

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

JOHN L. BARNES,	:	NO. 1:02-CV-00101
	:	
Plaintiff,	:	
	:	ORDER
v.	:	
	:	
	:	
MICHAEL THOMAS,	:	
	:	
Defendant.	:	

The parties met before the Court on June 2, 2004, for a final pretrial conference, which the Court converted into a status conference. Derek Farmer, Counsel for Plaintiff, was present by telephone.

Mr. Farmer indicated that he was appointed to represent Plaintiff on May 27, 2004, and had not yet obtained a copy of the case file. The Court determined, therefore, that regardless of any prejudice to Defendant caused by a continuance in this matter, the fact that Plaintiff's counsel has not had a chance to review the file demonstrates the necessity for such a continuance. Although Defendant's counsel indicated certain witnesses had scheduled their availability for the June 22, 2004 trial, the Court finds that if Defendant's expert witness is unavailable for a later trial date, his testimony can be obtained by video deposition. The Court further determined that other witnesses should not be prejudiced by rescheduling. Having reviewed this matter, the Court finds a

continuance proper in order to allow Plaintiff's counsel adequate time to prepare for trial.

Accordingly, the Court VACATES the June 22, 2004 trial date (doc. 79), and CONTINUES this matter until July 8, 2004, at which time the Court SCHEDULES a status conference at 2:00 P.M. At such conference, the parties and the Court shall establish a new trial date. Finally, the Court DIRECTS the clerk to forward to Mr. Farmer a copy of the case file.

SO ORDERED.

Dated: June 2, 2004

s/S. Arthur Spiegel
S. Arthur Spiegel
United States Senior District Judge